

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROBERT SMITH, JOHN PRIDDY,
RANDY MCGILBERRY, TIMOTHY
JEMISON, NATHANIEL GERTH, GARY
BECKER, AMINE M. BENDRISS,
BARBARA BROWN, DAVID
PACHOLCZAK, PATRICIA
MCMAHON, and EVAN WEESE, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

ZOLL MEDICAL CORPORATION,

Defendant.

Case No.: 1:23-CV-10575-IT

**DEFENDANT ZOLL MEDICAL CORPORATION'S
MOTION TO DISMISS CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to [Federal Rules of Civil Procedure 12\(b\)\(1\)](#) and 12(b)(6), Defendant ZOLL Medical Corporation (“ZOLL”) moves the Court to dismiss Plaintiffs’ Consolidated Class Action Complaint (“Amended Complaint”) for lack of standing to bring such claims and failure to state a claim for relief. For the reasons set forth in the accompanying Memorandum in Support, the Amended Complaint should be dismissed with prejudice in its entirety.

Dated: April 11, 2024

Respectfully submitted,

/s/ Gilbert S. Keteltas

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